UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,120	05/24/2001	Kevin R. Holubar	AUS920010283US1	1468

7590 02/10/2005	**EXAMINER**
Frank C. Nicholas	SERROU, ABDELALI

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ART UNIT	PAPER NUMBER
2654	

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/864,120	HOLUBAR ET AL.
	Examiner	Art Unit
	Abdelali Serrou	2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 May 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 May 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *24 May 2001*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who
> has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention
> thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

2.   Claims 6 - 9 (method), 16 - 19 (system), and 26-29 (program) are rejected under 35

U.S.C. 102(e) as being anticipated by Davis et al. (US 6,728,950, filed May 1, 2001).

3.   As per claims 6, 16, and 26 Davis et al. disclose: A translation system that combines

apparatus, method and program (the translation system 10 includes a data storage 12, a

translation tool 14, and a graphical user interface (GUI) 16.... The computers may each be a

personal computer, file server, work station, minicomputer, mainframe, or any other suitable

device capable of processing information based on programming instructions, column 3, lines

40-49). The translation system comprises:

- A master text file (The data files 20 include a source file 24, one or more source include files 26, a translation file 28, and one or more translation include files 30, column 4, lines 15-17);

- A source and a target language files stored in separate files within the database (the source and the translation files may be for disparate source and target devices or disparate formats for a same device, column 2, lines 16-18);

- Translated text files that include one or more target language text phrases (elements) (The translation file 28 includes translation elements that correspond to the source elements. Column 4, lines 40-42);

- A notification flag is communicated in the case of an incomplete (or incorrect) translation (the red octagon indicates an error situation where the translation is known to be incorrect, impossible, or beyond the limits of the translator, column 8, lines 54-56).

4.   As per claim 7, 17, and 27 Davis et al do not teach a method, system, and program for storing an identification number corresponding to the source language text phrase within the database. However, it is inherent that a translation system comprises files with identification numbers or codes within its database in order to retrieve it to serve the purpose of accomplishing translation.

5.   As per claims 8, 9, 18, 19, 28 and 29 Davis et al. teach setting a flag within the database as a notification (the source window 74 icons include a red octagon for an error situation, column 8, lines 49-50).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claims 1 (method), 11 (system), and 21 (program) are rejected under 35 U.S.C. 103(a) as

being unpatentable over Davis et al. (US 6,728,950, issued April. 27 2004 as a division of

application No 09/429, 339, filed on October. 28, 1999) in view of Elsbree et al. (U.S 6, 360, 358

issued in March. 19, 2002 as a continuation of application No. 09/266, 621, filed on March. 11,

1999).

Davis et al. disclose

- A translation system that combines apparatus, method and program (the translation

    system 10 includes a data storage 12, a translation tool 14, and a graphical user interface

    (GUI) 16.... The computers may each be a personal computer, file server, work station,

    minicomputer, mainframe, or any other suitable device capable of processing information

    based on programming instructions, column 3, lines 40-49).

- The translation system comprises a data file that discloses the source and target language

    text phrases (The data files 20 include a source file 24, one or more source include files

26, a translation file 28, and one or more translation include files 30, column 4, lines 15-17)

Davis et al. do not disclose:

- Storage of a modified version of the source language text phrase.

- A notification of incorrect translation based on the modification of the first source language text phrase.

Elsbree et al., however, disclose a system, method, and a program that stores the source code and a modified version of the source code (upon a change event (e.g., such as modification to the source code), column 1, line 57,58), detects, and notify the user of the modification of the source code (text phrase) (When the change occurs, the development tool sends a change notification, column 7, line 14, 15).

Davis et al. and Elsbree et al. are analogous art because they are from the same field of translation and notifying the user of any change in the source text phrase. Elsbree et al. teach the translation of a source code that could be read by a computer. Furthermore, Elsbree et al's teaching could be applied to Davis et al's translation system.

It would have been obvious to a person of ordinary skill in the art at the time of the invention, to have added to Davis et al. translation system the ability of updating and detecting changes in the source language, in order to provide an accurate up-to-date translation.

8.   Claims 2-4, 12-14, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. in view of Elsbree et al. as applied to claims 1, 11, and 21 above, and further in view of McKeeman et al. (U.S 5,193,191 issued in March. 9, 1993).

9.   As per claims 2, 12, and 22 neither Davis et al. nor Elsbree et al. teach time stamp for

tracking data storage.

However, McKeeman et al. teach storing a plurality of time stamps (Fig. 6b) to indicate the

time of last change of each application module.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of

the invention to have added McKeeman et al's time stamp feature (Fig. 6b) to Elsbree et al. code

maintenance system (column 1, line 47) to track the source code updating time and use it in the

Davis et al. and the Elsbree et al. translation system for the benefit of providing a correct and

accurate translation.

10.   As per claims 3, 4, 13, 14, 23, and 24, neither Davis et al. nor Elsbree et al. teach setting a

flag within the database as a notification of the modification of the source text phrase.

However, McKeeman et al. teach setting a bit (flag) within the database as a notification

of the modification of the source text phrase (a special bit 48 associated with each line or record

called the modify bit which is used to indicate whether a particular line of source text has been

modified, column 10, lines 58-61)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

of the invention to have added McKeeman et al's notification bit feature (column 10, line 58) to

Elsbree et al. code maintenance system (column 1, line 47) to track the source code updating

time and use it in the Davis et al. and the Elsbree et al. translation system for the benefit of

providing a system that notifies its users of any change within its database.

The examiner takes official notice that it would have been obvious to a person of ordinary skill in the art to compare time stamps to make sure that the latest version is translated (or the previous translation appropriately changed).

11.   As per claims 5, 15, and 25, it would have been to a person of ordinary skill in the art at the time of the invention that for a translation system as described in the teachings above (claims 1, 11, and 21) one should store a copy of the new source language text phrase in the translated text file every time the source language is updated, in order to indicate a need for adding new translated portions in the target text.

12.   Claims 10, 20, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al.

According to the argument used for claims 7, 17, and 27 it will be impossible for such a system to provide translation if entries of target language text phrases within its database fail to include the identification number. Therefore, it would have been obvious to a person of ordinary skill in the art to have a copy of the source language stored in the translated text file to enable updating of the translation.

Conclusion

13.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gregory A. Pascucci et al. (US 5,511,118) disclose a data management system that makes use of time stamp to indicate the most recent update within the database. Roderick W.

Stone et al (US 6,092,037) disclose a translation software system that includes a macro which substitutes for a text string and a message collection and source update utility which scans the source code, locates the macro in the source code, derives a key relating to the text string and updates a database with the text string and key.
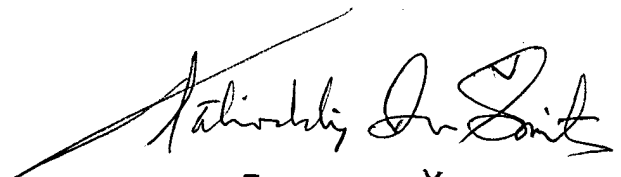
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdelali Serrou whose telephone number is 703-305-0513. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Smits can be reached on 703-306-3011. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdelali Serrou

02/02/2005

TALIVALDIS IVARS SMITS
PRIMARY EXAMINER